

IN THE SUPERIOR COURT OF LONG COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

vs.

MICHAEL ABRAHAM BURNETT,
Defendant.

CASE NO.: 2012-R-61

COPY

Heard before the Hon. Robert L. Russell,
Judge, Atlantic Judicial Circuit,
in Long County, Ludowici, Georgia,
on the 27th day of August, 2012.

* * * * *

TRANSCRIPT OF PROCEEDINGS

GUILTY PLEA

* * * * *

LIBERTY COURT REPORTING

Post Office Box 232

Ludowici, GA 31316

(912) 427-7786

libertycourtreporting@hotmail.com

APPEARANCES:

FOR THE STATE:

TOM DURDEN, ESQ.
District Attorney, AJC
945 E.G. Miles Parkway
Hinesville, Georgia 31313

MS. ISABEL PAULEY
Assistant District Attorney, AJC
945 E.G. Miles Parkway
Hinesville, Georgia 31313

FOR THE DEFENDANT:

MS. TRACY MULLIS
Mullis & Oliver LLC
117 Roger Shaw Street
P.O. Box 98
Swainsboro, Georgia 30401
Phone (478) 237-9009
Fax (478) 237-9010

REPORTER:

Danny C. Sayer
LIBERTY COURT REPORTING
P. O. Box 232
Ludowici, Georgia 31316

1 THE COURT: This is the matter of The State of
2 Georgia versus Michael Abraham Burnett. This is Case
3 No.: 2012-R-61 in the Superior Court of Long County.
4 I'm Robert L. Russell the presiding Superior Court
5 Judge in this matter. Mr. Burnett is present here in
6 the courtroom with his attorney, Ms. Mullis. We have
7 Tom Durden, the -- the District Attorney for the
8 Atlantic Judicial Circuit and Isabel Pauley, Assistant
9 District Attorney for the Atlantic Judicial Circuit
10 present. Now, Mr. Durden, what are we doing today?

11 MR. DURDEN: Your Honor, we're prepared to enter
12 a plea on the indictment that Your Honor just sounded,
13 a guilty plea to -- and I -- Ms. Pauley will outline --

14 THE COURT: All right. Ms. Pauley, --

15 MR. DURDEN: -- and this is -- this is pursuant to
16 plea negotiations.

17 THE COURT: Ms. Pauley -- Ms. Pauley, you tell me
18 what's going on.

19 MS. PAULEY: Yes, sir. Your Honor, we do have a
20 negotiated guilty plea for approval by the Court. Your
21 Honor has a copy. I will hand you now the original
22 that has been signed by counsel and by the defendant,
23 Mr. Burnett. Your Honor, we are prepared at this time
24 to also tender to the Court a nol pros. As the Court
25 may be aware, this case was re-indicted and is now

1 before the Court on 2012-R-61. The re-indictment --

2 THE COURT: Yeah. So I'll change -- if I said --
3 I did say 61 I believe when I called the case.

4 MS. PAULEY: Yes, sir. The original indictment
5 was 2012-R-0044. The case was re-indicted earlier this
6 month to include, in addition to the murder counts,
7 some gang counts. So we would, at this time, tender a
8 nol pros on the first indictment and we are proceeding
9 on the second indictment.

10 THE COURT: That's fine. I'll sign it right now
11 and give it -- file it with the Clerk of Superior
12 Court, Frank Middleton.

13 MS. PAULEY: Your Honor, as part of the
14 negotiations the defendant is charged in Counts One and
15 Two with malice murder, two counts for the two victims
16 in this case, Michael Rork and Tiffany York. He's
17 charged in Counts Three and Four with felony murder and
18 Counts Five and Six with the violation of The Street
19 Gang Terrorism and Prevention Act; Count Seven and
20 Eight, possession of a firearm during the commission of
21 a felony; Counts Nine and Ten, violation of The Street
22 Gang Terrorism and Prevention Act and Counts Eleven and
23 Twelve are aggravated assaults, one per victim. As
24 part of the negotiations, Your Honor, we are tendering
25 at this time a nol pros as to the felony murder counts,

1 Three and Four and the two aggravated assault counts,
2 Eleven and Twelve. The defendant would plead guilty to
3 the remaining counts. As Your Honor can see, Counts
4 One and Two, malice murder, as part of the plea
5 negotiations would be reduced to voluntary
6 manslaughter. I would tender the nol pros at this
7 time, Your Honor, to the counts we negotiated.

8 THE COURT: I'll sign them right now.

9 MS. PAULEY: Your Honor, at this time -- again the
10 defendant would be pleading guilty to Counts One and
11 Two, reduced charges of voluntary manslaughter. He
12 would plead guilty to all remaining counts as indicted
13 in the indictment returned by the Grand Jury here in
14 Long County on August 10, 2012. Your Honor, in a
15 moment I will recite a factual basis to support the
16 plea. This of course is our office, the attorney's
17 summary and it is a condensed summary. This case file
18 is voluminous. This is not exhaustive of the facts or
19 the evidence that the State has against this defendant
20 or the other defendants. It simply is a summary to be
21 utilized for the Court for an acceptance of the plea
22 today.

23 MR. DURDEN: And if I may, Your Honor, not to
24 preempt the work that we've done on this case, but the
25 -- or the statement that Ms. Pauley is making, we have

1 been in constant communication with the federal
2 authorities and with their investigation and this is,
3 as Ms. Pauley said, a condensed summary, not to
4 including [sic] everything else that may come out of
5 this whole investigation.

6 THE COURT: Very well.

7 MS. PAULEY: Sir, on the morning of December 6th,
8 2011 teenage sweethearts Michael Rork and Tiffany York
9 were found shot in the head off Morgan Lake Road in
10 Long County, Georgia. A walkie talkie is located at
11 victim Michael Rork's hand. His body is found outside
12 and next to his vehicle. Victim Tiffany York's body is
13 found inside the car. Evidence at autopsy reveals the
14 victim -- victims both were murdered by 410 shotgun
15 rounds. Further investigation by the Georgia Bureau of
16 Investigations, which here on after I will refer to as
17 the GBI, determines the murder weapon as a Taurus Judge
18 Pistol, which fires either 45 caliber rounds or 410
19 shotgun shells. Investigators further learn victim
20 Michael Rork had, only days before his murder, been --
21 been discharged from the Army. He had been stationed
22 at nearby Fort Stewart and planned to return to his
23 home state of Washington. Victim Tiffany York was his
24 17 year old girlfriend of only a few months. She was
25 a high school student and Michael Rork was her first

1 love. She had plans to move back to her home of
2 California. The GBI, through its exhaustive
3 investigation, now knew who had been murdered execution
4 style. The agency knew where the murders happened and
5 how they were carried out. The GBI had to next answer
6 the questions of who committed these heinous murders
7 and why. Evidence gathered by the GBI, local law
8 enforcement, The US Army Criminal Investigators and the
9 Federal Agencies of the FBI and ATF provide answer to
10 these questions. The answers to these questions of who
11 and why center around one man, Isaac Aguigui.
12 Defendant Isaac Aguigui is active duty Army and
13 assigned to the same unit as Victim Rork. Defendant
14 Aguigui formed and organized an anarchist group and
15 militia. All members of the group were active duty
16 military or former military. The total number of
17 members remains unknown. Defendant Aguigui actively
18 recruited new members at Fort Stewart and targeted
19 soldiers who were in trouble or disillusioned. He
20 utilized a gaming magazine article featuring the
21 release of a video game, Rainbow VI True Patriots, to
22 gauge the soldier's reactions. The game features a
23 domestic terrorist organization comprised of US
24 Soldiers who attack our own government, contending the
25 attacks are necessary to return this country to

1 greatness. Hence, the soldiers were the "True
2 Patriots." Aguigui called this process the Awakening
3 and if those approached were sympathetic or in
4 agreement with the concept they would be brought into
5 the folds of the organization. The closest members of
6 the organization were referred to as The Family and
7 included this defendant and the other remaining
8 defendants, Christopher and Heather Sammon and Anthony
9 Pedin. All these males, Your Honor, are active duty
10 Army. Heather Sammon had been recently discharged from
11 the Army. The militia or Auguigui's army had a name,
12 the acronym FEAR. The name had a literal meaning
13 because it was what they instilled in their enemies.
14 Additionally it's letters stood for Forever Enduring,
15 Always Ready. Having been trained by the military they
16 planned on utilizing their skills and training to now
17 attack it at all costs. Your Honor, the expressed goal
18 of FEAR, this militia/anarchist group, was to overthrow
19 the United States Government and execute the president
20 of the United States. The group knew these objectives
21 would not be achieved overnight so they set their sight
22 -- sights on other acts of domestic terrorism in the
23 interim. According to this defendant, Michael Burnett,
24 the Defendant Aguigui committed [sic] -- communicated
25 with other militia movements and like-minded

1 organizations in several other states. FEAR structured
2 their organization, plotted attacks and acquired the
3 means to carry out the attacks. Acts of domestic
4 terror included forcibly taking over the ammo control
5 point at Fort Stewart to take the post; bombing
6 vehicles of local and state judicial and political
7 figureheads and federal representatives to include the
8 local department of homeland security. Members also
9 plotted to bomb the fountain in Forsyth Park in
10 Savannah. Upon getting out of the Army all planned to
11 move to Washington State and live together on a
12 compound. A security company would serve as a facade
13 for the true nature of their organization and its
14 criminal activities. Elaborate and further terrorist
15 attacks and planning stages included bombing a dam in
16 Washington State to kill civilians and destabilize the
17 state's economy; alternatively the group schemed to
18 poison the apple crop with the same terrorist goal of
19 chaos, death and financial collapse for the state.
20 Your Honor, this domestic terrorism organization did
21 not simply plan and talk prior to these murders that
22 occurred here in Long County. The group in fact took
23 action. Evidence shows the group possessed the
24 knowledge, means and motive to carry out their plans.
25 The group committed local drug and theft crimes by its

1 members lower in the hierarchy than this defendant and
2 these criminal activities initially funded the group.
3 Then in July of 2011, approximately and less than four
4 months prior to the murders here, defendant Isaac
5 Aguigui's pregnant wife who was also in the Army and
6 stationed at Fort Stewart died under highly suspicious
7 circumstances while alone with him on post. At her
8 death he acquired a-half-a-million-dollars, \$500,000 --
9 \$500,000 in benefits and insurance proceeds. Shortly
10 there after Defendant Aguigui returned to his home
11 state of Washington for bereavement leave and purchased
12 -- excuse me -- approximately \$32,000 worth of military
13 grade assault rifles and other weaponry and
14 accessories. He subsequently purchased approximately
15 another \$28,000 of weaponry of the same nature by phone
16 up to and through the end of November, 2011, just days
17 before these murders. His actions there caught the
18 attention of a joint terrorism task force. Upon his
19 return to his duty post in Georgia he alerted the other
20 FEAR members to the federal government's response.
21 Defendant Aguigui, as the leader of FEAR, then
22 structured a firearms (Indicating) purchasing network
23 in violation of Federal Law to effectuate the extensive
24 firearms stockpiling needed for his group without
25 drawing further attention from the federal government.

1 The defendant now before the Court, Your Honor, along
2 with defendants Christopher and Heather Sammon all
3 purchased firearms in Hinesville, Georgia in violation
4 of Federal Law for the FEAR gang or organization.
5 These firearm and explosive purchases occur between
6 early October, 2011 and up to and including the very
7 day before the murders in question. Defendant Aguigui
8 gave the other FEAR members his credit and debit cards
9 to illegally purchase these items. Defendant Aguigui
10 had FEAR's symbol engraved on a number of the weapons.
11 This symbol is the Greek letters of alpha and omega in
12 an overlapping fashion. It resembles the anarchy
13 symbol and it's meaning was elaborate and known to its
14 members. Under the symbol, Your Honor, and as it can
15 be seen on an assault rifle -- a military grade assault
16 rifle seized from one of the defendant's residence are
17 the numbers 666 and PLT. Six-six-six is considered the
18 elite platoon within FEAR or the militia's special
19 forces unit. Symbolically, 666 is evil and the
20 antichrist and Aguigui chose it for this symbolism.
21 This same symbol for FEAR is tattooed on a number of
22 members, including, Your Honor, this defendant and some
23 others to demonstrate their loyalty to the cause.
24 Among the approximate \$27,000 spent on the arsenal here
25 in Hinesville, Georgia and thousands of rounds of

1 ammunition is the murder weapon utilized in this case,
2 a Taurus Judge Handgun. This defendant, Michael
3 Burnett purchased the murder weapon on November 25,
4 2011, just days before the murder -- murders. Your
5 Honor, the group has also assembled and manufactured
6 destructive devices and purchased components for other
7 bombs which were seized from the defendant's homes and
8 a storage unit. Your Honor, now that the GBI had
9 reached a determination as to who had shot and killed
10 Michael Rork and Tiffany York they learned why and how
11 the murders were carried out. Defendant Aguigui had
12 befriended Rork. Michael Rork, associated with him and
13 was trusted with Aguigui's credit cards for purchases
14 for the group. Aguigui came to believe that Rork had
15 used FEAR's funds for personal uses. The closest
16 members of the militia, The Family, became concerned
17 and fearful -- fearful that with Rork's discharge from
18 the Army and leaving in advance of the others that he
19 may disclose the organization's -- organization's
20 terrorist activities. The group determined Rork had
21 betrayed them and posed a serious threat to their
22 plans. Consequent -- consequently he had to be
23 murdered. Likewise, his girlfriend posed a risk of
24 disclosure so she had to be killed too to preserve
25 their activities. The victims went to visit Michael

1 Rork's father in Florida upon exiting the Army on
2 Friday, December 2nd. The couple returned to Georgia
3 on Monday, December 5th, the very day they were
4 murdered. The victim, Michael Rork communicated with
5 the defendants during the day. Your Honor, that
6 evening the evidence would show Defendant Aguigui
7 decided they needed to kill them now and he determined
8 there was urgency to the matter. The defendants
9 assembled at Defendant Christopher -- Defendant's
10 Christopher and Heather Sammon's residence on Fort
11 Stewart. They told Michael Rork they were simply going
12 night shooting as a ploy to lure him out to an isolated
13 area of woods here in Long County. Your Honor, this
14 defendant and the other three male defendants all rode
15 out to the woods here in Long County in Defendant
16 Aguigui's vehicle. The two victims rode in victim
17 Michael Rork's car. They communicated with each other
18 by way of walkie talkie. Upon arriving at the location
19 all four men exited the car. Defendants Christopher
20 Sammon and Anthony Pedin each shot one of the victims
21 in the head. Defendant Aguigui directed, participated
22 and enjoyed his role as the leader and the murders
23 themselves. Your Honor, he is a self proclaimed cold-
24 blooded murderer before these murders occurred and has
25 said of himself prior to the murders in question, "That

1 he is" "the nicest cold-blooded murderer you will ever
2 meet."

3 MR. DURDEN: And that was from the CID.

4 MS. PAULEY: Yes, sir. That's actually on an
5 audio recorded device that the State has in its
6 evidence. The State has obtained, Your Honor, physical
7 evidence to corroborate Defendant Aguigui's vehicle was
8 utilized to kill the victims and that the defendants in
9 question rode in that vehicle and that's based upon
10 biological evidence found within that car. Your Honor,
11 this defendant exited with the other defendants but did
12 not actively participate in the murders. He did not
13 shoot either victim, nor did he direct the others to do
14 so. This defendant, Your Honor, the evidence shows,
15 actually began walk -- to walk back to the car after
16 victim York was murdered and as they prepared to -- to
17 murder Michael Rork. Your Honor, this defendant is the
18 least legally and morally culpable defendant with
19 regard to the murders. Of the four defendant
20 participants present at the murders some have given
21 confessions or made admissions, but not all of them, to
22 include one of the shooters. This defendant's
23 testimony of what transpired at the crime scene itself
24 and in route to the murders is critical to the
25 prosecution of the other defendants. The State has

1 reviewed the plea offer before the Court with both
2 victim's families at length and the State's reasons for
3 the recommendation to this Court and its terms. Your
4 Honor, the families are in agreement with the State's
5 offer and support this outcome in full as to this
6 defendant alone. Likewise, the GBI as the lead law
7 enforcement agency in this case supports the plea.

8 MR. DURDEN: Your Honor, what Ms. Pauley has
9 recited for the Court was a stipulated and agreed to
10 set of facts for the Court but I did want the Court to
11 also notice that the families are -- or representatives
12 of the victim's are in court and they are in agreement
13 if --

14 THE COURT: Very well.

15 MR. DURDEN: -- if the Court has any questions.

16 THE COURT: All right. Ms. --

17 MS. PAULEY: Your Honor, do you want me to review
18 the terms now or should I wait until after your
19 questioning?

20 THE COURT: No. Let's wait on the terms.

21 MR. DURDEN: I would wait on it.

22 MS. PAULEY: Yes, sir.

23 THE COURT: Let's -- Ms. Mullis, have your client
24 and yourself stand at the podium please.

25 MS. MULLIS: Yes, Your Honor.

1 THE COURT: Now ask Ms. Mullis if she agrees with
2 the stipulation.

3 MS. PAULEY: Ms. Mullis, would you agree that that
4 is a factual -- that there is a factual basis to
5 support the pleas -- pleas that your client is going to
6 enter, minus any defenses your client might have had
7 had the case gone to trial?

8 MS. MULLIS: Yes, Your Honor. We so stipulate.

9 THE COURT: Yeah. Yes, Mr. Durden?

10 MR. DURDEN: And also, Tracy -- Ms. Mullis, your
11 in agreement with what Ms. Pauley has said, that is a
12 factual -- an accurate factual foundation --

13 MS. MULLIS: That is correct.

14 MR. DURDEN: -- for the plea?

15 MS. MULLIS: That is correct.

16 MR. DURDEN: Okay. All right. Okay.

17 THE COURT: All right. Mr. Burnett, best you can,
18 raise your right hand and be sworn in by the Clerk of
19 Superior Court.

20 MR. BURNETT: (Complies)

21 CLERK: Do you swear or affirm your answers to the
22 Judge's questions will be the truth, the whole truth
23 and nothing but the truth so help you God?

24 MR. BURNETT: Yes.

25 THE COURT: All right. Now, Mr. Burnett, what's

1 going on right now is -- is y'all have told me -- Ms.
2 Pauley has set out a factual basis for the crimes
3 you're charged with. Your attorney has agreed with
4 that and you have too and now I'm -- my job is to make
5 sure that you are knowingly, intelligently and
6 voluntarily pleading guilty and that you understand
7 what's going on and what rights you're giving up. The
8 reason -- the way I handle this is ask you a series of
9 questions. Do you understand?

10 MR. BURNETT: Yes.

11 THE COURT: Okay. Now speak up loud enough so
12 everybody can hear you and that the court reporter over
13 here can take all of this down. Tell me your full
14 name.

15 MR. BURNETT: Michael Abraham Burnett.

16 THE COURT: How old are you?

17 MR. BURNETT: Twenty-six.

18 THE COURT: Can you understand my statements and
19 questions?

20 MR. BURNETT: Yes.

21 THE COURT: Are you suffering from any physical or
22 mental problems?

23 MR. BURNETT: No.

24 THE COURT: Are you under the influence of
25 anything like crack cocaine; cocaine; marijuana;

1 alcohol; narcotics; prescription drugs; or any
2 substance?

3 MR. BURNETT: No.

4 THE COURT: So you're thinking clearly and
5 rationally this morning?

6 MR. BURNETT: Yes, sir.

7 THE COURT: Can you communicate effectively with
8 your attorney, Ms. Mullis?

9 MR. BURNETT: Yes, sir.

10 THE COURT: Can you make important decisions
11 involving your life?

12 MR. BURNETT: Yes.

13 THE COURT: Is anybody forcing you to do this?

14 MR. BURNETT: No.

15 THE COURT: Is anybody promising you anything,
16 other than these negotiations, to get you to do this?

17 MR. BURNETT: No.

18 THE COURT: Okay. Let's discuss this a little
19 bit, Mr. Burnett, so you know what the situation is as
20 far as what you're dealing with. On the indictment
21 2012-R-61 they -- there are twelve counts. Now, Counts
22 One and Two is malice murder. Both of those carries a
23 life penalty in the penitentiary. Counts Three and
24 Four, felony murder, carry a life penalty in the
25 penitentiary. Counts Five and Six are violation of

1 Street Gang Terrorism Prevention Act and Five and Six,
2 the range of punishment on that I believe is one -- one
3 to 15 years, Ms. Pauley?

4 MS. PAULEY: Five.

5 THE COURT: Five to 15 years --

6 MS. PAULEY: Yes, sir.

7 THE COURT: -- each. Then Count Seven and Eight
8 is possession of a firearm during the commission of a
9 felony. That's up to five years consecutive on both of
10 those to any other -- any other sentence. Count Nine
11 is violation of The Street Gang Terrorism and
12 Prevention Act. The range of punishment on that is
13 five to 15. Count Ten is violation of The Street Gang
14 Terrorism and Prevention Act. That's five to 15. And
15 Count Eleven is aggravated assault. It's one to 20.
16 And Count Twelve, aggravated assault, is one to 20.
17 Now the way I have it figured up is that either the
18 malice murder or the felony murder would merge with
19 each other so you're looking at two life sentences in
20 jail, plus 120 years if all of these matters went to a
21 jury trial. Now under the terms of the negotiated plea
22 there are a number of matters that would be dismissed
23 or nol prossed. Counts Three and Four, the malice
24 [sic] -- the felony murders would be nol prossed. The
25 -- Counts Eleven and Twelve, aggravated assaults would

1 be nol prossed or dismissed but the other penalties
2 remain the same and that's -- that's what is on the
3 table for you to make a decision on this morning as to
4 whether you want to plead guilty or not guilty to
5 Counts One; Two; Five; Six; Seven; Eight; Nine and Ten.
6 What do you want to do, Mr. Burnett?

7 MR. BURNETT: Plead guilty.

8 THE COURT: When you plead guilty you give up some
9 rights you have and I want to go over some of these
10 rights to make sure you understand them. One of the
11 rights you give up is the right to a jury trial;
12 understand?

13 MR. BURNETT: Yes, sir.

14 THE COURT: Another right you give up is the right
15 to have an attorney represent you and if you can't
16 afford an attorney one will be appointed for you at no
17 cost. Do you understand?

18 MR. BURNETT: Yes.

19 THE COURT: Another right you give up is the right
20 for you and your attorney to always be in the courtroom
21 when there's anything going on involving your case and
22 you would be allowed to confront and cross-examine the
23 State's witnesses called against you. Do you
24 understand?

25 MR. BURNETT: Yes.

1 THE COURT: You're giving up the right to remain
2 silent and what that means is you don't have to testify
3 at a trial. The State can't call you as a witness.
4 It's your decision to testify or not. You are presumed
5 innocent. You have no burden of proof. The State is
6 the one with the burden of proof and this burden of
7 proof is beyond a reasonable doubt and you're giving up
8 these rights. Do you understand?

9 MR. BURNETT: Yes.

10 THE COURT: You're also giving up the right to
11 subpoena witnesses to come to court to testify for you;
12 understand?

13 MR. BURNETT: Yes.

14 THE COURT: Now have you had enough time to talk
15 to Ms. Mullis and think about all of this today?

16 MR. BURNETT: Yes.

17 THE COURT: Okay. Have you got any questions for
18 Ms. Mullis or myself about your rights or what is going
19 on here?

20 MR. BURNETT: No.

21 THE COURT: Are you satisfied with the legal
22 representation that you have received from Ms. Mullis?

23 MR. BURNETT: Yes.

24 THE COURT: Now, Ms. [sic] -- now, Mr. Burnett, I
25 want you to tell me what was going on about all of this

1 to -- for me to establish that -- that there is a fact
2 pattern here. Tell me how you first got involved with
3 this organization.

4 MR. BURNETT: I had recently been divorced and had
5 custody of my son. I needed a baby sitter and Heather
6 Sammon, I knew her husband from work. She offered to
7 baby sit my son. She started watching my son. I spent
8 more time over there. I've -- I've known both Chris
9 and Isaac for an extended period of time. They
10 introduced me to -- it started out as just going out
11 and shooting guns, just guy stuff and then introduced
12 me to the -- the manuscript is what he called it, the
13 book about true patriots. I believed in some of the
14 stuff; didn't believe in other things. It just
15 progressed from there to going out buying more guns.
16 They talked of doing radical things, things that -- a
17 lot of things that I didn't agree upon like hurting
18 innocent people. I didn't agree with that. Other
19 things I did agree upon, I did -- I did think that the
20 government needed a change and I thought we were the
21 people to be able to change it. I don't know how it
22 got to the point where two people got murdered.

23 THE COURT: Say that again.

24 MR. BURNETT: I don't know how it got to the point
25 where two people got murdered.

1 THE COURT: Did you -- did you discuss murder with
2 these -- the people you were in this group with?

3 MR. BURNETT: I tried to -- I tried to take them
4 away from that on two separate occasions.

5 THE COURT: Yeah. Tell me what was -- tell me
6 about how the words FEAR and how that gang or group
7 came -- came to be and how you were involved with that.

8 MR. BURNETT: Isaac came up with the acronym for
9 FEAR and my initial involvement was pretty slim and
10 then progressively got more and more to --

11 THE COURT: What -- what were the goals of the
12 FEAR group?

13 MR. BURNETT: To give the government back to the
14 people.

15 THE COURT: So you're -- you're talking about
16 revolution?

17 MR. BURNETT: Yes, patriotism.

18 THE COURT: I understand. Now so you had -- you
19 had automatic rifle -- y'all had automatic weapons in
20 your possession?

21 MR. BURNETT: No, semi-automatic rifles.

22 THE COURT: Semi-automatic; all right. So how did
23 it finally come down to -- to murder? Tell me what
24 happened.

25 MR. BURNETT: The night of the murder I went home

1 around 6:00 from picking my son up from the Sammon's
2 residence. Stayed at home until 9:06. I got a phone
3 call from Pedin telling me to come over to their house.
4 So I had to wake my son up; took him over there. The
5 decision had already been made to murder those two.

6 THE COURT: How -- who had made this decision?

7 MR. BURNETT: Pedin, Isaac and Chris.

8 THE COURT: Okay. And why did y'all make the
9 decision to --

10 MR. BURNETT: I didn't make any decisions, sir.

11 THE COURT: Okay. Why was the decision made to
12 murder these people?

13 MR. BURNETT: A loose end is one way that Isaac
14 put it. Michael was witness to another murder previous
15 to this murder.

16 THE COURT: Michael -- you mean --

17 MR. BURNETT: Michael -- Mr. Rork.

18 THE COURT: -- Michael Rork was a witness to
19 another murder that this group had done?

20 MR. BURNETT: That Isaac had done.

21 THE COURT: Yeah. And what -- what murder was
22 that?

23 MR. BURNETT: I don't have full stipulation to
24 that. I don't exactly what happened.

25 THE COURT: It was here in Georgia?

1 MR. BURNETT: Yeah.

2 THE COURT: Yeah. All right. So how did it end
3 up that you were in the car that took -- took the
4 parties out to where the shooting was going to occur?

5 MR. BURNETT: I tried to talk them out of it at
6 first. At first I went to Heather because Isaac seemed
7 to listen to Heather a lot. I went to her first and
8 pretty much pleaded with her not to do this and she
9 said the decision has already been made. I went to
10 Chris and did the same thing. Once again, I was kind
11 of just shooed off.

12 THE COURT: Where -- where were Rork -- Michael
13 Rork and Tiffany York? I mean, were they tied up?

14 MR. BURNETT: They hadn't come -- they hadn't
15 showed up at the house yet.

16 THE COURT: They were what?

17 MR. BURNETT: They weren't there yet.

18 THE COURT: Okay. They had -- they were living as
19 a couple in a house?

20 MR. BURNETT: I -- I don't know.

21 THE COURT: Well did you -- well did you go in the
22 car to pick them up?

23 MR. BURNETT: No.

24 THE COURT: Who -- who did that?

25 MR. BURNETT: They -- I think they showed up on

1 their own in a car.

2 THE COURT: They showed up over at whose house?

3 MR. BURNETT: At Heather and Chris' house.

4 THE COURT: Okay. And what happened when they
5 showed up there?

6 MR. BURNETT: I was outside for most of it but I
7 guess they talked about going night shooting and
8 then --

9 THE COURT: I mean, were they tied up?

10 MR. BURNETT: No.

11 THE COURT: Okay. They were just voluntarily
12 going along?

13 MR. BURNETT: Yes, sir.

14 THE COURT: And -- and you did too or did somebody
15 order you to come along?

16 MR. BURNETT: Isaac ordered me to come along and
17 then he threatened to kill my son. I have a two year
18 old son and --

19 THE COURT: What, he threatened right then if you
20 didn't come along?

21 MR. BURNETT: Yeah. He threatened Pedin's son too
22 from what Pedin has told me and --

23 THE COURT: Yeah.

24 MR. BURNETT: Pedin has a young child as well and
25 then --

1 THE COURT: So -- so this is -- y'all live
2 somewhere in the city of -- this was -- this -- where
3 everybody was was somewhere in the city of Hinesville?

4 MR. BURNETT: On post.

5 THE COURT: On post?

6 MR. BURNETT: Yes, sir.

7 THE COURT: Okay. And so you left Fort Stewart
8 and -- and drove to Hinesville and then into Long
9 County?

10 MR. BURNETT: Yes, sir.

11 THE COURT: Okay. And where did you go in Long
12 County?

13 MR. BURNETT: I don't really know Long County very
14 well. They just picked a place that was kind of off
15 the side of the road. I guess Michael Rork, he knew
16 that area a little bit and he actually drove to the
17 destination.

18 THE COURT: Michael Rork was actually driving --
19 how many cars were there, one or two?

20 MR. BURNETT: Two.

21 THE COURT: And Michael Rork was driving one car?

22 MR. BURNETT: Yes, sir.

23 THE COURT: And -- and Ms. Tiffany York was also
24 in that car?

25 MR. BURNETT: Yes, sir.

1 THE COURT: Who else was in that car?

2 MR. BURNETT: No one else.

3 THE COURT: Yeah. So and then who -- and y'all
4 followed them?

5 MR. BURNETT: Yes, sir.

6 THE COURT: And who was in that car?

7 MR. BURNETT: Pedin was driving. I was sitting in
8 the passenger seat and then Chris and Isaac were in the
9 back seat.

10 THE COURT: Okay. Tell me what happened when Mr.
11 Rork stopped the car.

12 MR. BURNETT: The car stopped and both Pedin and
13 Chris Sammon went up to both sides of the car and Mr.
14 Rork was starting to get out and Pedin shot her and
15 then --

16 THE COURT: I mean, did -- did Ms. York and Mr.
17 Rork have guns in their hands?

18 MR. BURNETT: I don't know.

19 THE COURT: Where -- you just sat in the passenger
20 side?

21 MR. BURNETT: I got out. I got out and walked
22 around to the front of the -- of the jeep and then
23 after Ms. York got shot, that's when I started --

24 THE COURT: Now who shot Ms. York?

25 MR. BURNETT: Mr. Pedin.

1 THE COURT: And did you see that?

2 MR. BURNETT: Yes.

3 THE COURT: And -- and then what happened?

4 MR. BURNETT: He reached in and checked her pulse
5 and then shot her again.

6 THE COURT: And then what happened?

7 MR. BURNETT: I started to walk back towards the
8 car and they put Michael Rork on his knees and then
9 shot him.

10 THE COURT: One time?

11 MR. BURNETT: No, twice.

12 THE COURT: He shot Michael York [sic] several
13 times?

14 MR. BURNETT: Chris -- Chris shot him twice.

15 THE COURT: What?

16 MR. BURNETT: Chris shot him twice.

17 THE COURT: Okay. So there's Mr. Rork and -- and
18 Ms. York laying on the ground and so what happened
19 next?

20 MR. BURNETT: I was already in the car.

21 THE COURT: Did -- did they -- did you leave --
22 did y'all leave Michael Rork's car there?

23 MR. BURNETT: Yes, sir.

24 THE COURT: You did. And so everybody got in the
25 car you were in and -- and left at that point?

1 MR. BURNETT: Yes, sir.

2 THE COURT: Did you -- did you take anything of
3 Michael Rork's and Tiffany York's, like guns?

4 MR. BURNETT: Not to my knowledge. No.

5 THE COURT: Didn't -- didn't do anything to hide
6 the bodies?

7 MR. BURNETT: No, sir.

8 THE COURT: And just left the car there?

9 MR. BURNETT: Yes, sir.

10 THE COURT: And so where did you go when you left?

11 MR. BURNETT: They wanted to go straight back to
12 the house. So that's what they decided to do.

13 THE COURT: Straight back to the house on base?

14 MR. BURNETT: Yes, sir.

15 THE COURT: Is that what happened?

16 MR. BURNETT: Yes, sir.

17 THE COURT: What, and then you later went home?

18 MR. BURNETT: Yes.

19 THE COURT: How did you come to be arrested?

20 MR. BURNETT: We got called to a morning formation
21 on Saturday, December 10th.

22 THE COURT: Say -- say that again.

23 MR. BURNETT: We came to a -- they called us in
24 for a morning formation on December 10th.

25 THE COURT: Who -- who called you in?

1 MR. BURNETT: My sergeant did.

2 THE COURT: Okay.

3 MR. BURNETT: And then that's when The Special
4 Response Team on post came and arrested us.

5 THE COURT: Special Response Team, is that -- I'm
6 -- I'm not -- I've never been in the military. Is that
7 the CID group?

8 MR. BURNETT: Yeah. CID is responsible for those.

9 THE COURT: Criminal Investigation?

10 MR. BURNETT: Yes, sir.

11 THE COURT: Uh-huh. And so did they arrest you?

12 MR. BURNETT: Yes, sir.

13 THE COURT: Okay. And so how did you and -- come
14 to be arrested by the State of Georgia authorities?

15 MR. BURNETT: They transferred us into GBI custody
16 at Liberty County Jail.

17 THE COURT: To the Liberty County Jail?

18 MR. BURNETT: Yes, sir.

19 THE COURT: And now you -- where have you been
20 housed, at the Liberty County Jail?

21 MR. BURNETT: Liberty County. I've just recently
22 been moved.

23 THE COURT: Yeah. And where -- okay. Whose
24 firearm was that that killed Ms. York and Mr. Rork?

25 MR. BURNETT: Mine.

1 THE COURT: Your gun?

2 MR. BURNETT: Yes, sir.

3 THE COURT: And you brought it along?

4 MR. BURNETT: No. I kept all of my guns --
5 because I have a small child I kept all of my guns at
6 Pedin's house.

7 THE COURT: Yeah. Did you get your gun back after
8 the shooting?

9 MR. BURNETT: No.

10 THE COURT: Where -- where is it?

11 MR. BURNETT: At the bottom of the Sunbury Marina.

12 THE COURT: At the bottom of what now?

13 MR. BURNETT: Sunbury Marina.

14 THE COURT: Okay. Sunbury Marina is -- is where
15 the saltwater hits Liberty County and there's a marina
16 there in the old town of Sunbury, Georgia.

17 MR. BURNETT: Yes, sir.

18 THE COURT: So who rode out there to the Sunbury
19 Marina?

20 MR. BURNETT: Pedin did. He took the weapon -- he
21 took the murder weapon back to his house and chopped it
22 up into a bunch of pieces he said. I never saw it.

23 THE COURT: Yeah. And then were you with him when
24 it --

25 MR. BURNETT: No.

1 THE COURT: -- rode out to Sunbury Marina and
2 threw it?

3 MR. BURNETT: No, sir.

4 THE COURT: There's a restaurant there at Sunbury.
5 Is it right by that spot or --

6 MR. BURNETT: I don't know where he threw it.

7 THE COURT: Okay.

8 MR. BURNETT: That's just what he told me.

9 THE COURT: All right.

10 MR. BURNETT: Sir, if I could have stopped this
11 from happening I would have.

12 FEMALE VOICE: You could have.

13 THE COURT: Ms. Pauley, have you got any
14 additional questions you want to ask him?

15 MS. PAULEY: No, sir. The defendant is going to,
16 as part of the agreement, make himself available to the
17 State.

18 THE COURT: Speak a little louder.

19 MS. PAULEY: Sir, not at this time in open court.
20 The defendant is -- has agreed -- a part of the
21 conditions of his sentence is that he is to make
22 himself available at anytime for further interviews by
23 the State or any agency.

24 THE COURT: Yeah. Yeah. I'm ready to talk about
25 what the deal --

1 MS. PAULEY: Yes, sir.

2 THE COURT: -- deal is now.

3 MS. PAULEY: Yes, sir. So not at this time unless
4 Mr. Durden --

5 MR. DURDEN: I have --

6 MS. PAULEY: I don't think that this setting --

7 MR. DURDEN: Well, I think Your Honor -- when you
8 were questioning Michael here -- Mr. Burnett, there was
9 some events that -- that happened after the shootings
10 took place at the home of Mr. Pedin, off post; right?

11 MR. BURNETT: (Non-verbal response)

12 MR. DURDEN: With the burning of some clothes?

13 MR. BURNETT: Yes.

14 MR. DURDEN: Were you there?

15 MR. BURNETT: Yes.

16 MR. DURDEN: Would you mind telling the Court
17 about that?

18 THE COURT: Yeah. Okay. I asked about the pistol
19 and -- and now what else happened that you know about?

20 MR. DURDEN: Yeah.

21 MR. BURNETT: Isaac ordered everybody to take
22 their clothes off that were at the -- at the scene of
23 the crime and the next night they burned them.

24 THE COURT: What, they burned them in like a --
25 just out in the yard?

1 MR. BURNETT: Yes, sir.

2 THE COURT: Okay. And you just heard about
3 that, you weren't there?

4 MR. BURNETT: No. I was there.

5 THE COURT: You were there and participated in
6 that?

7 MR. BURNETT: No.

8 THE COURT: You were just there?

9 MR. BURNETT: I was just there.

10 THE COURT: Yeah. Mr. Durden?

11 MR. DURDEN: No. I just wanted to make -- make
12 sure -- clear for the record that that was off post at
13 a residence in Liberty County --

14 MR. BURNETT: Yes, sir.

15 MR. DURDEN: -- I mean Hinesville.

16 THE COURT: That wasn't the same house?

17 MR. DURDEN: No, sir.

18 MR. BURNETT: No. That was at --

19 MR. DURDEN: Two separate houses. One was on Fort
20 Stewart. One was off post --

21 THE COURT: Okay.

22 MR. DURDEN: -- in Liberty County. Am I correct?

23 MR. BURNETT: Yes, sir.

24 MR. DURDEN: All right.

25 THE COURT: All right. Well, Mr. Burnett, I --

1 all this is pretty -- pretty shocking to me but I feel
2 that you have knowingly, intelligently and voluntarily
3 pled guilty to -- and this is the plea bargain we're
4 talking about now -- Count One, malice murder being
5 reduced to voluntarily [sic] manslaughter. That you
6 pled guilty to voluntary manslaughter. Count Two,
7 malice murder, that would be reduced to voluntary
8 manslaughter and that you have knowingly, intelligently
9 and voluntarily pled guilty to that. Count Three would
10 be nol prossed or dismissed. Count Four would be nol
11 prossed or dismissed. Count Five, which is the
12 violation of The Street Gang Terrorism Act, that you
13 pled guilty to that. Count Six, violation of The
14 Street Gang Terrorism and Prevention Act, that you pled
15 guilty to that. Count Seven, possession of a firearm
16 during the commission of a felony, you pled guilty.
17 Count Eight, possession of a firearm during the
18 commission of a felony, that you've pled guilty. Count
19 Nin [sic] -- Count Nine, violation of Street Gang
20 Terrorism and Prevention Act, you pled guilty and Count
21 Ten, violation of Street Gang Terrorism and Prevention
22 Act, that you pled guilty. Now -- and then Count
23 Eleven and Twelve, the aggravated assaults would be nol
24 prossed or dismissed. Now in return for your guilty
25 pleas I have a negotiated plea recommendation that's

1 been worked out by you and your attorney on one side
2 and The State of Georgia on the other side and here's
3 what the recommendation to me is and I don't have to
4 take this recommendation. You understand that?

5 MR. BURNETT: Yes, sir.

6 THE COURT: All right. Now the recommendation on
7 the reduced charge of voluntary manslaughter is 20
8 years, split sentence: Ten to serve, ten on probation.
9 Count Two, voluntary manslaughter, twenty years: Ten
10 to serve, ten on probation. Count Five would be 15
11 years probation, consecutive to Count One and Two.
12 Count Six would be 15 years probation, consecutive to
13 Count Five. Count Seven would be five years on
14 probation, consecutive to Count One. Count Eight:
15 Five years on probation, consecutive to Count Two.
16 Count Nine: Fifteen years on probation, concurrent to
17 Count Five and Count Ten, fifteen years on probation,
18 concurrent to Count Six. Now, Ms. Mullis and Ms.
19 Pauley, have I got that right as to what the
20 recommendation is?

21 MS. PAULEY: Yes, sir. And with the total
22 sentence then being -- since it's so many counts we did
23 put the total sentence in bold underneath the minimum
24 and maximum.

25 THE COURT: Yeah.

1 MS. PAULEY: So the overall sentence would be 50
2 years with ten years to serve in prison, followed by 40
3 years on probation.

4 THE COURT: All right. That's cool with me.

5 MR. DURDEN: And also --

6 THE COURT: Go ahead.

7 MR. DURDEN: If I may, Your Honor, that is
8 conditional upon --

9 MS. MULLIS: Yes, sir.

10 MR. DURDEN: -- his cooperation in -- as we
11 proceed against the other people involved in this crime
12 -- these crimes and you know that -- that -- if he does
13 not do that then this -- this agreement is conditional
14 upon that. We want the Court to know that.

15 THE COURT: Yeah. Well I'm not -- the only way I
16 -- we'll deal with that, Mr. Burnett, is I'm not going
17 to sentence you at this time.

18 MR. DURDEN: Right.

19 THE COURT: I'm going to -- I'm going to --

20 MR. DURDEN: Either deferral (Inaudible), Your
21 Honor, if that's okay.

22 THE COURT: Yeah. I'm going to defer sentencing
23 until your agreement under this recommendation has been
24 concluded satisfactorily to the district attorney's and
25 the State of Georgia's decision. Now -- and all -- and

1 telling you also, I feel that you can -- the State can
2 withdraw this recommendation before sentencing and at
3 that point you could still be facing the death penalty
4 or if you wish, you can withdraw your guilty plea until
5 I sentence you. Do you understand?

6 MR. BURNETT: Yes, sir.

7 THE COURT: Now if this goes through and you're on
8 probation, I want to let you know that while you're on
9 probation you have -- you would have no Fourth
10 Amendment right of privacy. Your home; your car; your
11 body could be searched at any time by -- if you got out
12 on parole, by parole officers or probation officers or
13 law enforcement officers without a search warrant. If
14 you're not a US Citizen what we've done here today
15 could be used to deport you out of the United States or
16 effect your rights and if you don't think at -- at the
17 end of the sentencing if you don't think what we've
18 done is valid you've got four years from today's date
19 to file a habeas corpus petition challenging the
20 validity of this or if you appeal this you'd have four
21 years from the date of the denial of appeal to file a
22 habeas corpus petition challenging the validity of
23 this. Now, Mr. Burnett, I'm getting ready to conclude
24 these proceedings. The way I understand will happen
25 now is you will stay in custody in a State of Georgia

1 facility as such time the other matters came to trial
2 and -- against the other -- other defendants in this
3 matter and -- and it's my understanding those cases
4 have been assigned to me and I would proceed to
5 schedule these matters to trial as -- as soon as I
6 could. Now is there any questions you have for Ms.
7 Mullis or myself about anything that we've done here
8 today?

9 MR. BURNETT: No, sir.

10 THE COURT: Anything else you wish to add, Ms.
11 Mullis?

12 MS. MULLIS: No, Your Honor.

13 THE COURT: Ms. Pauley or Mr. Durden, anything you
14 wish to add?

15 MR. DURDEN: Nothing further from the DA, Your
16 Honor.

17 THE COURT: Anybody else have anything else to add
18 to these matters? Court is adjourned.

19 (PROCEEDINGS CONCLUDED)

(C E R T I F I C A T E O F R E P O R T E R)
STATE OF GEORGIA
COUNTY OF WAYNE

I, DANNY C. SAYER, Certified Court Reporter, B-395, acting as such, hereby certify that the within and foregoing transcript of proceedings was taken down by me and then transcribed under my supervision, and that same is a true, correct and complete transcript of said proceedings.

I FURTHER CERTIFY, that I am a disinterested party to this action and am in nowise interested in the event of the cause.

IN WITNESS WHEREOF, I hereby affix my hand and seal on September 17, 2012.

DCS/lt\lt



Danny G. Sayer, C. C. R. B-395 (SEAL)